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*Jose Ortega and Timothy J. Brown*  
9

10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION  
13

14 ESTRELLA LYSANDRA ZAYAS,

15 Plaintiff,

16 v.  
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18 STATE OF CALIFORNIA, ET AL,

19 Defendants.  
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3:17-cv-02739

STIPULATION RE: ADDITIONAL  
CONFIDENTIAL MATERIALS;  
[Proposed] ORDER

Courtroom: 5  
Judge: The Honorable Edward M.  
Chen  
Trial Date: TBA  
Action Filed: May 11, 2017

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22 RECITALS

23 1. The parties previously stipulated to a Protective Order, which the Court signed and  
24 entered on August 14, 2017 (Docket No. 21.) Through an order dated September 14, 2017  
25 (Docket No. 32), additional CHP materials regarding training and policy were approved as  
26 "Confidential" and made subject to the Protective Order. Now, plaintiff's Requests for  
27 Production of Documents (Set One) propounded to each officer seek production of records  
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relating to CHP's investigation of plaintiff's Citizen's Complaint regarding the underlying incident of April 16, 2016.

2. Under Cal. Penal Code § 832.5, records relating to Citizen's Complaints from which the officer is exonerated are deemed personnel records for purposes of the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and Section 1043 of the Evidence Code. Further, under Cal. Evid. Code § 1043, "In any case in which discovery or disclosure is sought of peace or custodial officer personnel records or records maintained pursuant to Section 832.5 of the Penal Code or information from those records, the party seeking the discovery or disclosure shall file a written motion with the appropriate court . . . upon written notice to the governmental agency which has custody and control of the records."

3. Notwithstanding the absence of a written motion in compliance with Evid. Code § 1043, in responding to plaintiff's document requests defendants are willing to produce records from their confidential personnel files solely on condition that plaintiff stipulate that these records are subject to the terms of the protective order previously entered on August 14, 2017. *See* Docket No. 21 (stipulation and order).

## STIPULATION

Accordingly, the parties to this action, by and through their respective counsel, hereby stipulate that the following writings shall be subject to the Protective Order (Docket 21):

- CHP Citizen's Complaint Report by Lt. Gregory Saulman;
- Complaint Transmittal (CHP 240G)
- Complaint Investigation (CHP 240)
- Summaries of interviews with Estrella Zayas, Officer Ortega and Officer Brown.

1 SO STIPULATED:

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3 Dated: <sup>Nov.</sup> ~~October~~ 30, 2017

LAW OFFICES OF PANOS LAGOS

  
Panos Lagos, Esq.  
Attorney for Plaintiff,  
ESTRELLA LYSANDRA ZAYAS

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10 Dated: October 25, 2017

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
JEFFREY R. VINCENT  
Supervising Deputy Attorney General

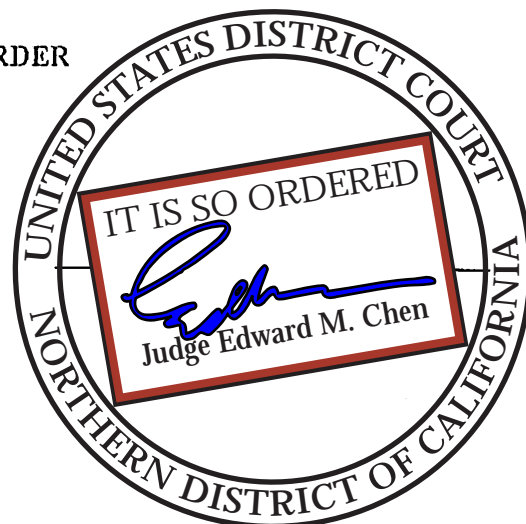
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Attorneys for CHP Officers  
Jose Ortega and Timothy J. Brown

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20 ORDER

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22 So ordered.

12/5/2017

23 Dated: ~~October~~, 2017



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